

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION  
CIVIL ACTION NO. 3:14-CV-114-GCM-DCK**

**LISA COLLINS,**

**Plaintiff,**

**vs.**

**CAROLYN W. COLVIN,  
Acting Commissioner of Social  
Security,**

**Defendant.**

**ORDER**

**THIS MATTER** is before the Court upon Defendant Commissioner of Social Security Carolyn W. Colvin's Motion to Dismiss (Doc. No. 9) and Memorandum in Support (Doc. No. 10), as well as the Memorandum and Recommendation of Magistrate Judge David Keesler (Doc. No. 15). For the reasons set forth below, the Court **ACCEPTS** and **ADOPTS** the Memorandum and Recommendation, and **GRANTS** Defendant's Motion to Dismiss.

The Federal Magistrate Act provides that "a district court shall make a de novo determination of those portions of the report or specific proposed findings or recommendations to which objection is made." 28 U.S.C. § 636(b)(1); *Canby v. Davis*, 718 F.2d 198, 200 (4th Cir. 1983). "By contrast, in the absence of a timely filed objection, a district court need not conduct a de novo review, but instead must 'only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.'" *Diamond v. Colonial Life & Accident Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005) (quoting FED. R. CIV. P. 72 advisory committee's note). Here, no party filed an objection to the Memorandum and Recommendation, and the time for doing so has expired.

Accordingly, after a careful review of the record in this case, the Court finds that the Magistrate Judge's findings of fact are supported by the record and his conclusions of law are consistent with and supported by current case law. Thus, the Memorandum and Recommendation is hereby ACCEPTED and ADOPTED, and Defendant's Motion to Dismiss is hereby GRANTED. The Clerk of Court is directed to close this civil case.

**SO ORDERED.**

Signed: September 18, 2014

A handwritten signature in black ink, reading "Graham C. Mullen", written over a horizontal line.

Graham C. Mullen  
United States District Judge

